

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Charles-Rodger: Berry, Sovereign
Free White Citizen,

Plaintiff,

vs.

Civ. No. 03-1285 JP/DJS

STATE OF NEW MEXICO GOVERNOR
BILL RICHARDSON, Individually and Officially,
et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On December 4, 2003, Defendants County of Valencia, Valencia County Commissioners, Valencia County Manager James Fernandez, Valencia County Planning/Zoning Administrator Ruben Chavez, and Valencia County Sheriff Richard Perea (collectively, “the Valencia County Defendants”) filed Valencia County Defendants’ Motion for a More Definite Statement (Doc. No. 7). On February 11, 2004, the Valencia County Defendants filed Valencia County Defendants’ Motion to Dismiss or Alternatively, Motion to Strike or Alternatively, Motion for More Definite Statement (Doc. No. 35).

On February 23, 2004, the Court granted the Valencia County Defendants’ Motion for a More Definite Statement and ordered the Plaintiff to file and serve a more definite statement of his claims against the Valencia County Defendants by March 15, 2004. Memorandum Opinion and Order at 6 (Doc. No. 38). The Court also stated that Plaintiff’s failure to file and serve a more definite statement of his claims against the Valencia County Defendants by March 15, 2004 would result in a dismissal of his claims against the Valencia County Defendants without

prejudice. *Id.* The Plaintiff did not file and serve a more definite statement of his claims against the Valencia County Defendants as ordered by the Court. Consequently, on March 17, 2004, the Court dismissed the Plaintiff's claims against the Valencia County Defendants without prejudice. Since the Court has dismissed the Plaintiff's claims against the Valencia County Defendants without prejudice, Valencia County Defendants' February 11, 2004 Motion to Dismiss or Alternatively, Motion to Strike or Alternatively, Motion for More Definite Statement is moot.

IT IS ORDERED that Valencia County Defendants' Motion to Dismiss or Alternatively, Motion to Strike or Alternatively, Motion for More Definite Statement (Doc. No. 35) is denied as moot.



SENIOR UNITED STATES DISTRICT JUDGE